

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 20 2007

By: McHART

H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by municipalities of irrigation systems
and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 401, Local Government Code, is amended
by adding Section 401.006 to read as follows:

Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
a population of 5,000 or more by ordinance shall require an
installer of an irrigation system:

(1) to hold a license issued under Section 1903.251,
Occupations Code; and

(2) to obtain a permit before installing a system
within the territorial limits or extraterritorial jurisdiction of
the municipality.

(b) The ordinance shall include minimum standards and
specifications for designing, installing, and operating irrigation
systems in accordance with Section 1903.053, Occupations Code, and
any rules adopted by the Texas Commission on Environmental Quality
under that section.

(c) A municipality may employ or contract with a licensed
plumbing inspector or a licensed irrigator to enforce the
ordinance.

(d) This section does not apply to an on-site sewage
disposal system, as defined by Section 366.002, Health and Safety

1 Code.

2 SECTION 2. Not later than January 1, 2009, a municipality
3 with a population of 5,000 or more shall adopt an ordinance under
4 Section 401.006, Local Government Code, as added by this Act.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

1st Printing

07 APR 17 PM 4: 38 APR 17 PM 4: 38
HOUSE OF REPRESENTATIVES HOUSE OF REPRESENTATIVES

By: Puente

H.B. No. 1656

Substitute the following for H.B. No. 1656:

By: Puente

C.S.H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt and enforce rules that require an installer of an irrigation system:

(1) to hold a license issued under Section 1903.251, Occupations Code; and

(2) to obtain a permit before installing a system within the boundaries of the district.

(b) If a district adopts rules under Subsection (a), the rules shall include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053, Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

(c) A district may employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the rules.

(d) A district may charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). The district shall set the fee in an amount sufficient to

1 enable the district to recover the cost of administering this
2 section.

3 (e) This section does not apply to an on-site sewage
4 disposal system, as defined by Section 366.002, Health and Safety
5 Code.

6 SECTION 2. Chapter 401, Local Government Code, is amended
7 by adding Section 401.006 to read as follows:

8 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
9 a population of 20,000 or more by ordinance shall require an
10 installer of an irrigation system:

11 (1) to hold a license issued under Section 1903.251,
12 Occupations Code; and

13 (2) to obtain a permit before installing a system
14 within the territorial limits or extraterritorial jurisdiction of
15 the municipality.

16 (b) The ordinance shall include minimum standards and
17 specifications for designing, installing, and operating irrigation
18 systems in accordance with Section 1903.053, Occupations Code, and
19 any rules adopted by the Texas Commission on Environmental Quality
20 under that section.

21 (c) A municipality may employ or contract with a licensed
22 plumbing inspector to enforce the ordinance.

23 (d) A municipality may charge an installer of an irrigation
24 system a fee for obtaining or renewing a permit under Subsection
25 (a)(2). The municipality shall set the fee in an amount sufficient
26 to enable the municipality to recover the cost of administering
27 this section.

1 (e) This section does not apply to an on-site sewage
2 disposal system, as defined by Section 366.002, Health and Safety
3 Code.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

3/28/07
(date)

Sir:

We, your **COMMITTEE ON NATURAL RESOURCES**

to whom was referred HB 1656 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.
☐ do pass, with amendment(s).
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Hamilton, Vice-chair	X			
Gattis, CBO	X			
Creighton	X			
Gallego	X			
Guillen				X
Hilderbran	X			
Laubenberg				X
O'Day				X

Total

6 aye
0 nay
9 present, not voting
3 absent

CHAIR

Mark A. ...

BILL ANALYSIS

C.S.H.B. 1656
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With few exceptions, irrigation systems are installed without any local permitting or inspection requirements, leaving consumers unprotected from systems that are poorly designed or that use excessive amounts of water.

C.S.H.B. 1656 would amend the Local Government Code to require certain municipalities to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system, based on certain minimum standards and specifications, to assure that irrigation systems are installed so that water is used efficiently in irrigating landscapes.

C.S.H.B. 1656 also amends the Water Code to authorize water districts to adopt and enforce rules requiring an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1656 amends Subchapter H, Chapter 49, Water Code, by authorizing a district to adopt and enforce rules that require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code and to obtain a permit before installing a system within the boundaries of the district.

If the district adopts rules, the rules are required to include minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

A district is authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the rules.

A district is authorized to charge an installer of an irrigation system a fee for obtaining or renewing a permit. The district is required to set the fee in an amount sufficient to enable the district to recover the cost of administering the permit.

C.S.H.B. 1656 amends Chapter 401, Local Government Code by requiring a municipality with a population of 20,000 or more, by ordinance, to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code and to obtain a permit before installing a system within the territorial limits or extraterritorial limits of the municipality.

The ordinance is required to include certain minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

A municipality is authorized to employ or contract with a licensed plumbing inspector to enforce the ordinance.

A municipality is authorized to charge an installer of an irrigation system a fee for obtaining or renewing a permit. The municipality is required to set the fee in an amount sufficient to enable the municipality to recover the cost of administering the permit.

C.S.H.B. 1656 does not apply to an on-site sewage disposal system as defined by Section 366.002, Health and Safety Code.

EFFECTIVE DATE

Upon passage; or if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B 1656 increases the applicability of the bill to municipalities with a population of 20,000 or more, from 5,000 or more in the introduced version.

C.S.H.B. 1656 provides that a municipality may employ or contract with a licensed plumbing inspector to enforce the ordinance. The introduced version also allowed contracting with a licensed irrigator.

C.S.H.B. 1656 provides that a municipality can charge an installer a fee for obtaining or renewing a permit (fee sufficient to recover costs of administering the permit program).

C.S.H.B. 1656 allows water districts to voluntarily adopt and enforce rules requiring license and permitting before installing an irrigation system within the boundaries of the district. If the district adopts rules, the rules are required to include minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

C.S.H.B. 1656 provides that a district is authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the rules.

C.S.H.B. 1656 provides that a district can charge an installer a fee for obtaining or renewing a permit (fee sufficient to recover costs of administering the permit program).

C.S.H.B. 1656 also provides that the language in the bill amending Chapter 49, Water Code (Section 49.238 as added by this Act) does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code.

In C.S.H.B. 1656, language contained in the introduced version requiring that not later than January 1, 2009, a municipality with a population of 5,000 or more shall adopt an ordinance under Section 401.006, Local Government Code, as added by this Act, is removed.

SUMMARY OF COMMITTEE ACTION

HB 1656

March 14, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 28, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted

WITNESS LIST

HB 1656
HOUSE COMMITTEE REPORT
Natural Resources Committee

March 14, 2007 - 2:00 PM or upon final adjourn./recess

For: Baker, Carole D. (Harris Galveston Subsidence District)
Guz, Karen (San Antonio Water System)
Reagan, Gene (Texas Turf Irrigation Assoc.)
Single, Glenda (Houston Gulf Coast Irrigation Assoc.)

Registering, but not testifying:

For: Douglass Nations, Jennifer (Self)
Kramer, Ken (Lone Star Chapter, Sierra Club)
Norman, Scott (Texas Association of Builders)
Walls, Jeffrey D. (Self)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to regulation of irrigation systems and irrigators.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would add Section 49.238 to the Water Code to authorize a district created by either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, to adopt and enforce rules for regulating installers of irrigation systems and to charge an installer a fee to cover costs of obtaining or renewing a permit. A district would also be authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the district's regulatory rules.

The bill would add Section 401.006 to the Water Code to require a municipality with a population of 20,000 or more by ordinance to require an installer of irrigation systems to hold a license and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality. The municipality would be authorized to charge an installer a fee to cover the costs of obtaining or renewing a permit. A municipality would also be authorized to employ or contract with a licensed plumbing inspector to enforce the ordinance.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 11, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to the regulation by municipalities of irrigation systems and irrigators.), As Introduced

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality with a population of 5,000 or more by ordinance to require an installer of an irrigation station to be licensed and to obtain a permit before installing a system within the territorial or extraterritorial jurisdiction of the municipality. Also, a municipality would be authorized to employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

(((SUBSTITUTE)))

ADOPTED

APR 30 2007

as amended

Robert Haney
Chief Clerk
House of Representatives

By: Puente H.B. No. 1656
Substitute the following for H.B. No. 1656:
By: Puente C.S.H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

→ (((#INSERT 3)))

SECTION 4. Subchapter H, Chapter 49, Water Code, is amended
by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt
and enforce rules that require an installer of an irrigation
system:

(1) to hold a license issued under Section 1903.251,
Occupations Code; and

(2) to obtain a permit before installing a system
within the boundaries of the district.

(b) If a district adopts rules under Subsection (a), the
rules shall include minimum standards and specifications for
designing, installing, and operating irrigation systems in
accordance with Section 1903.053, Occupations Code, and any rules
adopted by the Texas Commission on Environmental Quality under that
section.

(c) A district may employ or contract with a licensed
plumbing inspector, ^{(((#INSERT 1)))} the district's operator, or another
governmental entity to enforce the rules.

(d) A district may charge an installer of an irrigation
system a fee for obtaining or renewing a permit under Subsection
(a)(2). The district shall set the fee in an amount sufficient to

(((caption
OK per
JSA)))

(1)(1)

KAF

1 enable the district to recover the cost of administering this
2 section.

(2)(1) 3 (e) This section does not apply to an on-site sewage
4 disposal system, as defined by Section 366.002, Health and Safety
5 Code. ((INSERT 4))

6 SECTION 3. Chapter 401, Local Government Code, is amended
7 by adding Section 401.006 to read as follows:

8 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
9 a population of 20,000 or more by ordinance shall require an
10 installer of an irrigation system:

11 (1) to hold a license issued under Section 1903.251,
12 Occupations Code; and

13 (2) to obtain a permit before installing a system
14 within the territorial limits or extraterritorial jurisdiction of
15 the municipality.

16 (b) The ordinance shall include minimum standards and
17 specifications for designing, installing, and operating irrigation
18 systems in accordance with Section 1903.053, Occupations Code, and
19 any rules adopted by the Texas Commission on Environmental Quality
20 under that section.

(1)(2) 21 (c) A municipality may employ or contract with a licensed
22 plumbing inspector to enforce the ordinance. ((INSERT 2))

23 (d) A municipality may charge an installer of an irrigation
24 system a fee for obtaining or renewing a permit under Subsection
25 (a)(2). The municipality shall set the fee in an amount sufficient
26 to enable the municipality to recover the cost of administering
27 this section.

2

§ 11(1)

2(3)

2(4)

(e) This section does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety

Code. ((INSERT 5))

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

KAC

LIST OF HOUSE AMENDMENTS PREVIOUSLY UNDER CONSIDERATION

HB1656-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Puente	Amendment	Adopted
2	Miller	Amendment	Adopted

ADOPTED

APR 30 2007

Robert Hanes
Chief Clerk
House of Representatives



FLOOR AMENDMENT NO. 1

BY: Puente

Amend C.S.H.B. No. 1656 (House Committee Printing) as follows:

(1) On page 1, line 20, between "plumbing inspector," and "the district's operator," insert "a licensed irrigation inspector," ² ~~(((INSERT 1)))~~

(2) On page 2, line 22, between "plumbing inspector" and "to", insert "or a licensed irrigation inspector" ² ~~(((INSERT 2)))~~

(3) Add the following appropriately numbered SECTION and renumber the following SECTIONS accordingly:

SECTION 1 Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~[or]~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

~~(((INSERT 3)))~~

VAC

FLOOR AMENDMENT NO. 2



BY: San Miller

1 Amend C.S.H.B. No. 1656 (House Committee Printing) as
2 follows:

3 ✓(1) On page 2, line 3, between "to" and "an", insert ":
4 (1)".

5 ✓(2) On page 2, line 5, between "Code" and the underlined
6 period, insert the following:

7 ; or

8 (2) an irrigation system used on or by an
9 agricultural operation as defined by Section 251.002,
10 Agriculture Code

11 ✓(3) On page 3, line 1, between "to" and "an", insert ":
12 (1)".

13 (4) On page 3, line 3, between "Code" and the underlined
14 period, insert the following:

15 ; or

16 (2) an irrigation system used on or by an agricultural
17 operation as defined by Section 251.002, Agriculture Code

ADOPTED

APR 30 2007

Robert Haney
Chief Clerk
House of Representatives

SECOND READING
ENGROSSMENT

By: Puente

H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~or~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

SECTION 2. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt and enforce rules that require an installer of an irrigation

1 system:

2 (1) to hold a license issued under Section 1903.251;
3 Occupations Code; and

4 (2) to obtain a permit before installing a system
5 within the boundaries of the district.

6 (b) If a district adopts rules under Subsection (a), the
7 rules shall include minimum standards and specifications for
8 designing, installing, and operating irrigation systems in
9 accordance with Section 1903.053, Occupations Code, and any rules
10 adopted by the Texas Commission on Environmental Quality under that
11 section.

12 (c) A district may employ or contract with a licensed
13 plumbing inspector, a licensed irrigation inspector, the
14 district's operator, or another governmental entity to enforce the
15 rules.

16 (d) A district may charge an installer of an irrigation
17 system a fee for obtaining or renewing a permit under Subsection
18 (a)(2). The district shall set the fee in an amount sufficient to
19 enable the district to recover the cost of administering this
20 section.

21 (e) This section does not apply to:

22 (1) an on-site sewage disposal system, as defined by
23 Section 366.002, Health and Safety Code; or

24 (2) an irrigation system used on or by an agricultural
25 operation as defined by Section 251.002, Agriculture Code.

26 SECTION 3. Chapter 401, Local Government Code, is amended
27 by adding Section 401.006 to read as follows:

1 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
2 a population of 20,000 or more by ordinance shall require an
3 installer of an irrigation system:

4 (1) to hold a license issued under Section 1903.251,
5 Occupations Code; and

6 (2) to obtain a permit before installing a system
7 within the territorial limits or extraterritorial jurisdiction of
8 the municipality.

9 (b) The ordinance shall include minimum standards and
10 specifications for designing, installing, and operating irrigation
11 systems in accordance with Section 1903.053, Occupations Code, and
12 any rules adopted by the Texas Commission on Environmental Quality
13 under that section.

14 (c) A municipality may employ or contract with a licensed
15 plumbing inspector or a licensed irrigation inspector to enforce
16 the ordinance.

17 (d) A municipality may charge an installer of an irrigation
18 system a fee for obtaining or renewing a permit under Subsection
19 (a)(2). The municipality shall set the fee in an amount sufficient
20 to enable the municipality to recover the cost of administering
21 this section.

22 (e) This section does not apply to:

23 (1) an on-site sewage disposal system, as defined by
24 Section 366.002, Health and Safety Code; or

25 (2) an irrigation system used on or by an agricultural
26 operation as defined by Section 251.002, Agriculture Code.

27 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 1656

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.

LIST OF HOUSE AMENDMENTS PREVIOUSLY UNDER CONSIDERATION

HB1656-Third Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Cook, Robby	Amendment	Adopted

3rd Reading

FLOOR AMENDMENT NO. 1



BY: P.B. Cook

1 Amend H.B. No. 1656 on third reading, as amended by Floor
2 Amendment No. 2 by Miller (Second Reading Engrossment), as
3 follows:

4 ✓✓(1) On page 2, line 24, between "system" and "used", insert
5 ": (A)".

6 ✓✓(2) On page 2, line 25, between "Agriculture Code" and the
7 underlined period, insert the following:

8 C ; or

9 CCC (B) connected to a groundwater well used by the
10 property owner for domestic use

11 ✓✓(3) On page 3, line 25, between "system" and "used", insert
12 ": (A)".

13 ✓✓(4) On page 3, line 26, between "Agriculture Code" and the
14 underlined period, insert the following:

15 C ; or

16 CCC (B) connected to a groundwater well used by the
17 property owner for domestic use

ADOPTED

MAY 01 2007

Robert Haney
Chief Clerk
House of Representatives

HOUSE ENGROSSMENT

By: Puente

H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~or~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

SECTION 2. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt and enforce rules that require an installer of an irrigation

1 system:

2 (1) to hold a license issued under Section 1903.251,
3 Occupations Code; and

4 (2) to obtain a permit before installing a system
5 within the boundaries of the district.

6 (b) If a district adopts rules under Subsection (a), the
7 rules shall include minimum standards and specifications for
8 designing, installing, and operating irrigation systems in
9 accordance with Section 1903.053, Occupations Code, and any rules
10 adopted by the Texas Commission on Environmental Quality under that
11 section.

12 (c) A district may employ or contract with a licensed
13 plumbing inspector, a licensed irrigation inspector, the
14 district's operator, or another governmental entity to enforce the
15 rules.

16 (d) A district may charge an installer of an irrigation
17 system a fee for obtaining or renewing a permit under Subsection
18 (a)(2). The district shall set the fee in an amount sufficient to
19 enable the district to recover the cost of administering this
20 section.

21 (e) This section does not apply to:

22 (1) an on-site sewage disposal system, as defined by
23 Section 366.002, Health and Safety Code; or

24 (2) an irrigation system:
25 (A) used on or by an agricultural operation as
26 defined by Section 251.002, Agriculture Code; or

27 (B) connected to a groundwater well used by the

1 property owner for domestic use.

2 SECTION 3. Chapter 401, Local Government Code, is amended
3 by adding Section 401.006 to read as follows:

4 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
5 a population of 20,000 or more by ordinance shall require an
6 installer of an irrigation system:

7 (1) to hold a license issued under Section 1903.251,
8 Occupations Code; and

9 (2) to obtain a permit before installing a system
10 within the territorial limits or extraterritorial jurisdiction of
11 the municipality.

12 (b) The ordinance shall include minimum standards and
13 specifications for designing, installing, and operating irrigation
14 systems in accordance with Section 1903.053, Occupations Code, and
15 any rules adopted by the Texas Commission on Environmental Quality
16 under that section.

17 (c) A municipality may employ or contract with a licensed
18 plumbing inspector or a licensed irrigation inspector to enforce
19 the ordinance.

20 (d) A municipality may charge an installer of an irrigation
21 system a fee for obtaining or renewing a permit under Subsection
22 (a)(2). The municipality shall set the fee in an amount sufficient
23 to enable the municipality to recover the cost of administering
24 this section.

25 (e) This section does not apply to:

26 (1) an on-site sewage disposal system, as defined by
27 Section 366.002, Health and Safety Code; or

1 (2) an irrigation system:

2 (A) used on or by an agricultural operation as
3 defined by Section 251.002, Agriculture Code; or

4 (B) connected to a groundwater well used by the
5 property owner for domestic use.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to regulation of irrigation systems and irrigators.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Section 49.238 to the Water Code to authorize a district created by either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, to adopt and enforce rules for regulating installers of irrigation systems and to charge an installer a fee to cover costs of obtaining or renewing a permit. A district would also be authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the district's regulatory rules.

The bill would add Section 401.006 to the Water Code to require a municipality with a population of 20,000 or more by ordinance to require an installer of irrigation systems to hold a license and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality. The municipality would be authorized to charge an installer a fee to cover the costs of obtaining or renewing a permit. A municipality would also be authorized to employ or contract with a licensed plumbing inspector to enforce the ordinance.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 11, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to the regulation by municipalities of irrigation systems and irrigators.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality with a population of 5,000 or more by ordinance to require an installer of an irrigation station to be licensed and to obtain a permit before installing a system within the territorial or extraterritorial jurisdiction of the municipality. Also, a municipality would be authorized to employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

By: Puente (Senate Sponsor - Averitt) H.B. No. 1656
(In the Senate - Received from the House May 2, 2007;
May 7, 2007, read first time and referred to Committee on Natural
Resources; May 18, 2007, reported favorably by the following vote:
Yeas 9, Nays 1; May 18, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to regulation of irrigation systems and irrigators.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1903.251, Occupations Code, is amended
to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a
license issued by the commission under Chapter 37, Water Code, if
the person:

(1) sells, designs, installs, maintains, alters,
repairs, or services an irrigation system;

(2) provides consulting services relating to an
irrigation system; ~~or~~

(3) connects an irrigation system to a private or
public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality
or water district.

(b) A person is ineligible for a license under Subsection
(a)(4) if the person engages in or has a financial or advisory
interest in an entity that engages in an activity under Subsection
(a)(1), (2), or (3).

SECTION 2. Subchapter H, Chapter 49, Water Code, is amended
by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt
and enforce rules that require an installer of an irrigation
system:

(1) to hold a license issued under Section 1903.251,
Occupations Code; and

(2) to obtain a permit before installing a system
within the boundaries of the district.

(b) If a district adopts rules under Subsection (a), the
rules shall include minimum standards and specifications for
designing, installing, and operating irrigation systems in
accordance with Section 1903.053, Occupations Code, and any rules
adopted by the Texas Commission on Environmental Quality under that
section.

(c) A district may employ or contract with a licensed
plumbing inspector, a licensed irrigation inspector, the
district's operator, or another governmental entity to enforce the
rules.

(d) A district may charge an installer of an irrigation
system a fee for obtaining or renewing a permit under Subsection
(a)(2). The district shall set the fee in an amount sufficient to
enable the district to recover the cost of administering this
section.

(e) This section does not apply to:

(1) an on-site sewage disposal system, as defined by
Section 366.002, Health and Safety Code; or

(2) an irrigation system:

(A) used on or by an agricultural operation as
defined by Section 251.002, Agriculture Code; or

(B) connected to a groundwater well used by the
property owner for domestic use.

SECTION 3. Chapter 401, Local Government Code, is amended
by adding Section 401.006 to read as follows:

Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
a population of 20,000 or more by ordinance shall require an
installer of an irrigation system:

(1) to hold a license issued under Section 1903.251,

Occupations Code; and

(2) to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality.

(b) The ordinance shall include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053, Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

(c) A municipality may employ or contract with a licensed plumbing inspector or a licensed irrigation inspector to enforce the ordinance.

(d) A municipality may charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). The municipality shall set the fee in an amount sufficient to enable the municipality to recover the cost of administering this section.

(e) This section does not apply to:

(1) an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code; or

(2) an irrigation system:

(A) used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or

(B) connected to a groundwater well used by the property owner for domestic use.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1656
By Averitt
(Author/Senate Sponsor)
5-18-07
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 05/18/07, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Averitt, Chair	<input checked="" type="checkbox"/>			
Senator Estes, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Deuell	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Eltife	<input checked="" type="checkbox"/>			
Senator Hegar		<input checked="" type="checkbox"/>		
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Jackson			<input checked="" type="checkbox"/>	
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Uresti	<input checked="" type="checkbox"/>			
TOTAL VOTES	9	1	1	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HB 1656

Senate Committee Report

Natural Resources

May 17, 2007 - 8:00 AM

FOR:

Reagan, Gene (Texas Turf Irrigation Association), Austin, TX

Registering, but not testifying:

For:

Baker, Carole (Harris Galveston Subsidence District), Friendswood, TX

Burton, Donovan (San Antonio Water System), Cedar Park, TX

Hess, Myron (National Wildlife Federation), Austin, TX

Kramer, Ken (Lone Star Chapter, Sierra Club), Austin, TX

BILL ANALYSIS

Senate Research Center

H.B. 1656
By: Puente (Averitt)
Natural Resources
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With few exceptions, irrigation systems are installed without any local permitting or inspection requirements, leaving consumers unprotected from systems that are poorly designed or that use excessive amounts of water.

H.B. 1656 requires certain municipalities to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system, based on certain minimum standards and specifications, to assure that irrigation systems are installed so that water is used efficiently in irrigating landscapes. This bill authorizes water districts to adopt and enforce rules requiring an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 3 (Section 401.006, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1903.251, Occupations Code, as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) Requires a person to hold a license issued by the Texas Commission on Environmental Quality (TCEQ) under Chapter 37 (Occupational Licensing and Regulation), Water Code, if the person inspects an irrigation system for a municipality or water district.

(b) Provides that a person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

SECTION 2. Amends Subchapter H, Chapter 49, Water Code, by adding Section 49.238, as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) Authorizes a district created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created (district) to adopt and enforce rules that require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and to obtain a permit before installing a system within the boundaries of the district.

(b) Requires the rules, if a district adopts rules under Subsection (a), to include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053 (Standards), Occupations Code, and any rules adopted by TCEQ under that section.

(c) Authorizes a district to employ or contract with a licensed plumbing inspector, a licensed irrigation inspector, the district's operator, or another governmental entity to enforce the rules.

(d) Authorizes a district to charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). Requires the district to set the fee in an amount sufficient to enable the district to recover the cost of administering this section.

(e) Provides that this section does not apply to an on-site sewage disposal system, as defined by Section 366.002 (Definitions), Health and Safety Code, or an irrigation system used on or by an agricultural operation as defined by Section 251.002 (Definitions), Agriculture Code, or connected to a groundwater well used by the property owner for domestic use.

SECTION 3. Amends Chapter 401, Local Government Code, by adding Section 401.006, as follows:

Sec. 401.006. IRRIGATION SYSTEMS. (a) Requires a municipality with a population of 20,000 or more by ordinance to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality.

(b) Requires the ordinance to include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053 (Standards), Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

(c) Authorizes a municipality to employ or contract with a licensed plumbing inspector or a licensed irrigation inspector to enforce the ordinance.

(d) Authorizes a municipality to charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). Requires the municipality to set the fee in an amount sufficient to enable the municipality to recover the cost of administering this section.

(e) Provides that this section does not apply to an on-site sewage disposal system, as defined by Section 366.002 (Definitions), Health and Safety Code, or an irrigation system used on or by an agricultural operation as defined by Section 251.002 (Definitions), Agriculture Code, or connected to a groundwater well used by the property owner for domestic use.

SECTION 4. Effective date: upon passage or September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 8, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to regulation of irrigation systems and irrigators.), As
Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to require a person who inspects an irrigation system for a municipality or water district to be licensed by the Texas Commission on Environmental Quality (TCEQ).

The bill would add Section 49.238 to the Water Code to authorize a district created by either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, to adopt and enforce rules for regulating installers of irrigation systems and to charge an installer a fee to cover costs of obtaining or renewing a permit. A district would also be authorized to employ or contract with a licensed plumbing inspector, licensed irrigation inspector, the district's operator, or another governmental entity to enforce the district's regulatory rules.

The bill would add Section 401.006 to the Water Code to require a municipality with a population of 20,000 or more by ordinance to require an installer of irrigation systems to hold a license and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality. The municipality would be authorized to charge an installer a fee to cover the costs of obtaining or renewing a permit. A municipality would also be authorized to employ or contract with a licensed plumbing inspector or a licensed irrigation inspector to enforce the ordinance.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Implementing provisions of the bill would require TCEQ to implement a new licensing program, which would include creating or approving a training curriculum and baseline inspector requirements; adding a new occupational license; and making changes to rules, forms, license application procedures, and database structures. The agency estimates that the revenue generated from issuing licenses and the costs associated with implementing a new licensing program would not be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, DB, WK

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1656** by Puente (Relating to regulation of irrigation systems and irrigators.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Section 49.238 to the Water Code to authorize a district created by either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, to adopt and enforce rules for regulating installers of irrigation systems and to charge an installer a fee to cover costs of obtaining or renewing a permit. A district would also be authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the district's regulatory rules.

The bill would add Section 401.006 to the Water Code to require a municipality with a population of 20,000 or more by ordinance to require an installer of irrigation systems to hold a license and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality. The municipality would be authorized to charge an installer a fee to cover the costs of obtaining or renewing a permit. A municipality would also be authorized to employ or contract with a licensed plumbing inspector to enforce the ordinance.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 11, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1656 by Puente (Relating to the regulation by municipalities of irrigation systems and irrigators.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality with a population of 5,000 or more by ordinance to require an installer of an irrigation station to be licensed and to obtain a permit before installing a system within the territorial or extraterritorial jurisdiction of the municipality. Also, a municipality would be authorized to employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

ENROLLMENT

H.B. No. 1656

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~[or]~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

SECTION 2. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt and enforce rules that require an installer of an irrigation

1 system:

2 (1) to hold a license issued under Section 1903.251,
3 Occupations Code; and

4 (2) to obtain a permit before installing a system
5 within the boundaries of the district.

6 (b) If a district adopts rules under Subsection (a), the
7 rules shall include minimum standards and specifications for
8 designing, installing, and operating irrigation systems in
9 accordance with Section 1903.053, Occupations Code, and any rules
10 adopted by the Texas Commission on Environmental Quality under that
11 section.

12 (c) A district may employ or contract with a licensed
13 plumbing inspector, a licensed irrigation inspector, the
14 district's operator, or another governmental entity to enforce the
15 rules.

16 (d) A district may charge an installer of an irrigation
17 system a fee for obtaining or renewing a permit under Subsection
18 (a)(2). The district shall set the fee in an amount sufficient to
19 enable the district to recover the cost of administering this
20 section.

21 (e) This section does not apply to:

22 (1) an on-site sewage disposal system, as defined by
23 Section 366.002, Health and Safety Code; or

24 (2) an irrigation system:

25 (A) used on or by an agricultural operation as
26 defined by Section 251.002, Agriculture Code; or

27 (B) connected to a groundwater well used by the

1 property owner for domestic use.

2 SECTION 3. Chapter 401, Local Government Code, is amended
3 by adding Section 401.006 to read as follows:

4 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
5 a population of 20,000 or more by ordinance shall require an
6 installer of an irrigation system:

7 (1) to hold a license issued under Section 1903.251,
8 Occupations Code; and

9 (2) to obtain a permit before installing a system
10 within the territorial limits or extraterritorial jurisdiction of
11 the municipality.

12 (b) The ordinance shall include minimum standards and
13 specifications for designing, installing, and operating irrigation
14 systems in accordance with Section 1903.053, Occupations Code, and
15 any rules adopted by the Texas Commission on Environmental Quality
16 under that section.

17 (c) A municipality may employ or contract with a licensed
18 plumbing inspector or a licensed irrigation inspector to enforce
19 the ordinance.

20 (d) A municipality may charge an installer of an irrigation
21 system a fee for obtaining or renewing a permit under Subsection
22 (a)(2). The municipality shall set the fee in an amount sufficient
23 to enable the municipality to recover the cost of administering
24 this section.

25 (e) This section does not apply to:

26 (1) an on-site sewage disposal system, as defined by
27 Section 366.002, Health and Safety Code; or

1 (2) an irrigation system:

2 (A) used on or by an agricultural operation as
3 defined by Section 251.002, Agriculture Code; or

4 (B) connected to a groundwater well used by the
5 property owner for domestic use.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.

H.B. No. 1656

President of the Senate

Speaker of the House

I certify that H.B. No. 1656 was passed by the House on May 1, 2007, by the following vote: Yeas 116, Nays 26, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1656 was passed by the Senate on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1656[✓] was passed by the House
(1)

on May 1[✓], 2007, by the following vote:
(2)

Yeas 116[✓], Nays 26[✓], 1 present, not voting
(3) (4)

Chief Clerk of the House

I certify that H.B. No. 1656[✓] was passed by the Senate

on May 22[✓], 2007, by the following vote:
(5)

Yeas 31[✓], Nays 0[✓]
(6) (7)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT24

H.E. No. 1656

By M.H.M.F.

A BILL TO BE ENTITLED
AN ACT

relating to the regulation by municipalities of irrigation systems and irrigators.

FEB 20 2007 Filed with the Chief Clerk
FEB 26 2007 Read first time and referred to Committee on Natural Resources
MAR 28 2007 Reported favorably (~~unfavorably~~)
(as substituted)
APR 18 2007 Sent to Committee on (Calendars)
(~~Committee on Calendars~~)
APR 30 2007 Read second time (comm. subst.) (amended); passed to third reading (~~passed~~) by a (~~unanimous vote~~)
(record vote of 112 yeas, 26 nays, 2 present, not voting)
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting
MAY 01 2007 Read third time (amended); finally passed (~~passed~~) by a (~~unanimous vote~~)
(record vote of 116 yeas, 26 nays, 1 present, not voting)
MAY -1 2007 Engrossed
MAY -2 2007 Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 02 2007 Received from the House
MAY 07 2007 Read and referred to Committee on NATURAL RESOURCES
MAY 18 2007 Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time
Ordered not printed
Laid before the Senate
MAY 22 2007 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)
MAY 22 2007 Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)
MAY 22 2007 Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays
MAY 22 2007 Read third time, _____, and passed by a (viva voce vote)
(31 yeas, 0 nays)

May 23, 2007 Returned to the House

OTHER SENATE ACTION:

Patricia Spaw
SECRETARY OF THE SENATE

MAY 23 2007

Returned from the Senate (as substituted)
(with amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____,

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____,

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 APR 17 PM 4:38

HOUSE OF REPRESENTATIVES